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10/520,806	01/10/2005	Mehdi-Laurent Akkar	76.0726/PR	5077

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THE JANSSON FIRM  
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EXAMINER
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SCHWARTZ, DARREN B

ART UNIT	PAPER NUMBER
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2435

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,806	<b>Applicant(s)</b> AKKAR ET AL.	
	<b>Examiner</b> DARREN SCHWARTZ	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant amends claims 1, 2, 5, 6 and 8.

Claims 1, 2, 4-6, 8 and 9 are presented for examination.

### ***Response to Arguments***

1. In light of Applicant's amendments to the claims, the Examiner withdraws the claim rejections under 35 U.S.C. 101.

The Examiner in no way affirms nor dissents on matters pertaining Differential Fault Analysis as it may or may not apply to 35 U.S.C. 101.

Applicant's arguments filed 15 March 2010 have been fully considered but they are not persuasive.

2. While Applicant makes no particular arguments against the prior art references, Applicant states "Lim merely describes how the standard DES algorithm works (and adds certain clocking features to allow for avoiding duplication of S-box hardware)."

To again clarify the Examiner's position, the Examiner notes the DES algorithm, as taught by Lim, provides for a plurality of sub-functions, mapped *infra*. The Examiner notes that when data is encrypted using DES and then decrypted using DES, the fact that receiver can understand/read the decrypted data confirms the validity and accuracy of every step in the process of using DES.

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3. Applicant states on page 10 of Remarks, "What is being disclosed in Figure 1 of Lim is quite simply just the standard DES algorithm cipher function. The DES algorithm, for example, by virtue of being a standard, is known. There are no secrets about the algorithm itself. Lim, for example, describes the operation of the algorithm in conjunction with Figure 1."

While the Examiner in no way conquers nor dissents on this interpretation of Lim, the Examiner notes since the claimed structure is met by the prior art, it meets the claim.

4. Applicant argues on pages 10 of Remarks, "Applicants address the problem of differential fault analysis attacks."

Aa recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

5. Applicant argues on page 12 of Remarks regarding Lim, "However, this is an overly broad reading of Lim."

In response it has been held "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain" *In*

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*re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983), *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968).

Applicant has not established the burden of showing the prior art is not an equivalent in structure to that of Applicant's claimed invention (*In re Mulder*, 716 F.2d 1542, 219 USPQ 189 (Fed. Cir. 1983)).

6. Applicant argues on pages 13-14 of Remarks, "Thus, Sibert teaches performing the verification by computing a MAC on the input and output of the encryption and decryption operations, respectively, rather than on an intermediate calculation as specified in Applicants claims."

The Examiner disagrees. While the Examiner in no way affirm nor dissents on Applicant's interpretation of Sibert, Sibert teaches verifying data both before, during and after the secure distribution process of Sibert. Since the MAC data of Sibert provides for this verification, all data both before, during and after the process are validated. Applicant claims validating "an intermediate result" without regard to further clarifying what that intermediate result specifically represents; Since Sibert validates all results by vicariously using the MAC data, it meets the claimed invention.

The fact that the Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (U.S. Pat Pub 2002/0003876 A1), hereinafter referred to as Lim, in view of Sibert (U.S. Pat 6832316 B1), hereinafter referred to as Kocher, as evidenced by Sibert, James L. "Discrete Mathematics," hereinafter referred to as Hein.

Re claim 1: Lim teaches a method to secure an electronic assembly having a processor and a storage means implementing a calculation process that calculates the result of a calculation includes an elementary operation  $f(x)$ , without performing the calculation  $f(x)$  thereby avoiding analysis of the operation of the electronic assembly using knowledge of the calculation  $f(x)$ , the method comprising:

operating the processor of the electronic assembly according to instructions stored in the storage means to perform the calculation of  $f(x)$  by perform a modified calculation in lieu of the elementary operation  $f(x)$  using a super-function operation acting from and/or to a larger set wherein a super-function  $f'$  [Fig 1, elt 130: see "48-Bit Input" and "32-Bit Output" and ¶10] of a function  $f$  [Fig1, elt CIPHER FUNCTION] is defined as a function  $f'$  such that  $h_2(f'(h_1(x))) = f(x)$  wherein  $h_1$  [Fig 1, elt 110] is a one-to-one mapping [Fig 1, elt 110] between a set  $E$  [input 32-bit data] and a set  $E'$  [output 48-bit data] (Lim: ¶8; Hein, page 92 teaches the definition of an injective or one-to-one

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function; one of ordinary skill will recognize an “expansion permutation” operation maps input bits to unique output bits thereby satisfying the conditions of being a one-to-one function) and  $h_2$  [Fig 1, elt 140] is an onto mapping [Fig 1, elt 140] of a set  $F'$  [input 32-bit data] in a set  $F$  [output 32-bit data] (Lim: ¶11; Hein, page 94 teaches “a function is called bijective if it is both injective and surjective” and also teaches on page 93 teaches a surjective function or onto function; one of ordinary skill will agree that a permutation operation is a bijective mapping as elements in the domain are uniquely mapped to elements in a co-domain, thereby satisfying the conditions of being a surjective function), wherein  $x$  [R(i-1), 32-bit data] is a member of  $E$  [32-bit data] and  $f(x)$  [Fig1, elt CIPHER FUNCTION] is a member of the set  $F$  [32-bit data].

However, Sibert teaches:

operating the calculation processing means of the electronic assembly according to instructions stored in the storage means to perform an additional calculation by a verification function [Fig 1B, elements: 18, 24 & 25] on at least one intermediate result [Figs 1A & 1B, elements: 18, 16, 16'] in order to obtain a calculation signature (Figs 1A & 1B, elements: 16 & 16');

operating the processor of the electronic assembly according to instructions stored in the storage means to perform the calculation by the verification function using the result obtained by the super function in order to obtain the calculation signature (Fig 1B, elt 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Lim with the teachings of Sibert, for the purpose of authenticating encrypted data and thwart data tampering.

Re claim 2: The combination of Lim and Sibert teaches operating the processor of the electronic assembly according to instructions stored in the storage means to perform at least once more all or part of the calculation in order to recalculate said signature and compare them in order to detect a possible error (Sibert: Fig 1B, elements: 18, 24 & 25; col 2, lines 8-10).

Re claim 4: The combination of Lim and Sibert teaches wherein the calculation of the elementary operation can be recomputed using the calculation of the super-function (Lim: ¶2; ¶6).

Re claim 5: The combination of Lim and Sibert teaches:

Operating the processor of the electronic assembly according to instructions stored in the storage means to move from E [input 32-bit data] to E' [output 48-bit data] by one-to-one function  $h_1$  [Fig 1, elt 110] (Lim: ¶8; Hein, page 92 teaches the definition of an injective or one-to-one function; one of ordinary skill will recognize an "expansion permutation" operation maps input bits to unique output bits thereby satisfying the conditions of being a one-to-one function); and move from F' [input 32-bit data] to F [output 32-bit data] by onto function  $h_2$  [Fig 1, elt 140] (Lim: ¶11; Hein, page 94 teaches "a function is called bijective if it is both injective and surjective" and also teaches on page 93 teaches a surjective function or onto function; one of ordinary skill will agree that a permutation operation is a bijective mapping as elements in the domain are



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uniquely mapped to elements in a co-domain, thereby satisfying the conditions of being a surjective function); wherein  $h_1$  and  $h_2$  are mappings such that for any element  $x$  of  $E$  the following equality is true:  $h_2(f'(h_1(x))) = f(x)$  [Fig1, elt CIPHER FUNCTION].

Re claims 6 and 8: Lim teaches an electronic assembly comprising a calculation process processing means that includes performing a calculation that includes an elementary operation  $f(x)$ , wherein the electronic assembly comprising storage means for storing instructions to cause the calculation processing (§14; §30) and a smart card comprising storage means of a calculation process, processing means of said process (§14; §30):

operating the calculation processing means of the electronic assembly according to instructions stored in the storage means to perform the calculation of  $f(x)$  by performing a modified calculation of the elementary operation  $f(x)$  using a super-function operation acting from and/or to a larger set wherein a super-function  $f'$  [Fig 1, elt 130: see "48-Bit Input" and "32-Bit Output" and §10] of a function  $f$  [Fig1, elt CIPHER FUNCTION] is defined as a function  $f'$  such that  $h_2(f'(h_1(x))) = f(x)$  wherein  $h_1$  [Fig 1, elt 110] is a one-to-one mapping [Fig 1, elt 110] between a set  $E$  [input 32-bit data] and a set  $E'$  [output 48-bit data] (Lim: §8; Hein, page 92 teaches the definition of an injective or one-to-one function; one of ordinary skill will recognize an "expansion permutation" operation maps input bits to unique output bits thereby satisfying the conditions of being a one-to-one function) and  $h_2$  [Fig 1, elt 140] is an onto mapping [Fig 1, elt 140] of a set  $F'$  [input 32-bit data] and a set  $F$  [output 32-bit data] (Lim: §11; Hein, page 94 teaches "a function is called bijective if it is both injective and surjective" and also teaches on page

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93 teaches a surjective function or onto function; one of ordinary skill will agree that a permutation operation is a bijective mapping as elements in the domain are uniquely mapped to elements in a co-domain, thereby satisfying the conditions of being a surjective function), wherein  $x \in \{R(i-1), 32\text{-bit data}\}$  is a member of  $E \{32\text{-bit data}\}$  and  $f(x)$  [Fig1, elt CIPHER FUNCTION] is a member of the set  $F \{32\text{-bit data}\}$ .

However, Sibert teaches:

operating the calculation processing means of the electronic assembly according to instructions stored in the storage means to perform an additional calculation by a verification function [Fig 1B, elements: 18, 24 & 25] on at least one intermediate result [Figs 1A & 1B, elements: 18, 16, 16'] in order to obtain a calculation signature (Figs 1A & 1B, elements: 16 & 16');

operating the calculation processing means of the electronic assembly according to instructions stored in the storage means to perform the calculation by the verification function using the result obtained by the super function in order to obtain the calculation signature (Fig 1B, elt 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Lim with the teachings of Sibert, for the purpose of authenticating encrypted data and thwart data tampering.

The combination of Lim and Sibert teaches an electronic assembly secured from differential attack and means to execute a verification function used to perform an additional calculation on intermediate results in order to obtain a calculation signature

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thereby securing the electronic assembly from differential attack (Sibert: Fig 1B, elements: 18, 24 & 25; col 2, lines 8-10).

Re claim 9: The combination of Lim and Sibert teaches the calculation of the elementary operation can be recomputed using the calculation of the super-function (Lim: Fig1, elt CIPHER FUNCTION contains elements 110, 130 & 140 as discussed *a priori*).

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DARREN SCHWARTZ** whose telephone number is (571)270-3850. The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435